



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/GVA/2023/008

Order No.: 120 (GVA/2025)

Date: 30 October 2025

Original: English

Before: Judge Sun Xiangzhuang

Registry: Geneva

Registrar: Liliana López Bello

DE JAEGERE

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

George Irving

Counsel for Respondent:

Jacob B. van de Velden, DAS/ALD/OHR, UN Secretariat

Maria Romanova, DAS/ALD/OHR, UN Secretariat

Introduction

1. The Applicant, a former Crime Prevention and Criminal Justice Officer at the United Nations Office on Drugs and Crime (“UNODC”), contests the decision of 30 November 2022 to separate him from service, with compensation in lieu of notice and without separation indemnity.
2. By Order No. 115 (GVA/2025) of 17 October 2025, the Tribunal, *inter alia*, scheduled a hearing on the merits to take place virtually on MS Teams between 3 and 7 November 2025.
3. On 23 October 2025, the Applicant filed a motion to submit new evidence. The Tribunal instructed the Respondent to file his comments on the Applicant’s motion, which he did on 27 October 2025.

Consideration

4. With his motion, the Applicant submits that the following two new annexes are relevant, respectively, with regards to the reputational damage alleged by the Applicant, and for the examination of W06 at the upcoming hearing.
 - a. Annex 19, which contains email exchanges between the International Anti-Corruption Academy (“IACA”) and UNODC, and between IACA and the Applicant; and
 - b. Annex 20, which contains emails about the CEB Activity Tracking System (“CATS system”) that the Applicant and W06 worked on.
5. The Respondent objects to the inclusion of the aforementioned documents in the case record, contending that annexes 19 and 20 are irrelevant to the factual basis of the contested decision and fail to establish the required causal link between that decision and the alleged reputational harm for the purposes of compensation.
6. In the event that the Tribunal decides to admit the new evidence, the Respondent requests the Tribunal to order the following:

a. That the Applicant produces the “risk assessment” which he prepared and submitted to IACA, which he refers to in his email dated 27 February 2025 contained in the new Annex 19;

b. That the Applicant provide a signed statement confirming whether he was asked by IACA to provide his written consent for UNODC to disclose the confidential record of his disciplinary case, and whether he provided to IACA said written consent; and

c. That the Tribunal calls the Head of General Management, IACA, to testify on the question of whether IACA requested the Applicant to provide his written consent for UNODC to disclose to IACA the confidential record of his disciplinary case.

7. The Tribunal first notes that the Applicant formally changed legal representation on 12 September 2025. In this context, the Tribunal considers it reasonable for the newly appointed Counsel to seek the admission of evidence he deems relevant, particularly where such evidence relates to matters that have been under discussion since the outset of the proceedings.

8. On the substance, the Tribunal fundamentally disagrees with the Respondent’s objection. Whether the newly submitted annexes establish a causal link between the contested decision and the alleged reputational harm is a matter for the Tribunal to assess in its forthcoming judgment. While the Respondent is entitled to argue the absence of such a link - an argument the Tribunal will duly consider - this does not constitute grounds to exclude the documents from the case record.

9. Similarly, the Respondent’s assertion that the annexes are irrelevant to the facts underlying the contested decision does not justify their exclusion. As previously noted, annex 19 is not submitted to challenge the contested decision itself, but rather to support a potential finding of damages in favour of the Applicant.

10. With respect to annex 20, the Tribunal first notes that the email correspondence of 31 March 2023 therein is already part of the case record. It was

submitted by previous Counsel for the Applicant as annex A to the rejoinder. In any case, the Tribunal considers that annex 20 touches upon a matter that might be examined in the upcoming hearing and should, therefore, be admitted into the case record.

11. Lastly, the Tribunal finds no merit in the remedial measures requested by the Respondent in response to the admission of annexes 19 and 20.

12. First, the “risk assessment” prepared by the Applicant for his new employer bears no relevance to the contested decision or the issue of reputational harm and compensation.

13. Second, the email correspondence in annex 19 shows that a UNODC staff member contacted IACA to inform them that the Applicant had been subject to a disciplinary process during his employment at UNODC. When IACA requested documentation related to that process, UNODC responded that the records were confidential and could only be disclosed with the Applicant’s written consent.

14. At no point, so far, has the Applicant alleged that these confidential records were shared without his consent, nor do the emails suggest that such disclosure occurred. Accordingly, the Tribunal sees no relevance in requesting the Applicant to submit a written statement regarding whether he was asked to provide consent, especially since the Applicant is due to testify on 3 November 2025 and Counsel is free to ask him to clarify this point if Counsel so wishes.

15. Likewise, since the Tribunal does not see the relevance of determining whether IACA asked the Applicant to give consent to UNODC for sharing his confidential records with them, calling a new witness to testify on a non-issue is unwarranted.

16. Therefore, given that the new evidence submitted by the Applicant pertains to issues that have been under discussion since the outset of the proceedings and relate to the alleged reputational harm, the Tribunal sees no prejudice in admitting annexes 19 and 20 into the case record.

Conclusion

17. In view of the foregoing, it is ORDERED THAT:

- a. The Applicant's motion to submit new evidence is granted, and annexes 19 and 20 are admitted into the case record; and
- b. The Respondent's motion in response to the Applicant's motion to submit new evidence is rejected in its entirety.

(Signed)

Judge Sun Xiangzhuang

Dated this 30th day of October 2025

Entered in the Register on this 30th day of October 2025

(Signed)

Liliana López Bello, Registrar, Geneva